

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
MICHAEL ABADILLA,
Defendant.

Case No.17-cr-00502-JSC-1

BENCH TRIAL VERDICT

This Order confirms the verdict of the Court following the Bench Trial on April 24, 2018.

As to **Count One** of the Information: the Defendant was found NOT GUILTY because the government failed to prove beyond a reasonable doubt that (1) Defendant possessed the air rifle on federal land; (2) Defendant's possession of the air rifle in the parking lot was in violation of California Penal Code Section 25850 or any other California law, *see* 36 C.F.R. § 2.4(a)(2); or (3) Defendant's possession of the air rifle in the vehicle did not fall under the exception for such possession in the charged regulation, *see* 36 C.F.R. § 2.4(b)(3).

As to **Count Two** of the Information: the Defendant was found NOT GUILTY because the government failed to prove beyond a reasonable doubt that Defendant used the air rifle on federal land.

As to **Count Three** of the Information: the Court granted Defendant's Federal Rule of Criminal Procedure 29(a) motion and DISMISSED the count as the Government failed to prove beyond a reasonable doubt that Defendant possessed a blowgun on federal land given the exception for such possession in the charged regulation, *see* 36 C.F.R. § 2.4(b)(3).

IT IS SO ORDERED.

Dated: April 25, 2018


JACQUELINE SCOTT CORLEY
United States Magistrate Judge